

<b>Interview Summary</b>	Application No.	Applicant(s)	
	10/799,563	BACNIK, JAMES A.	
	Examiner	Art Unit	
	Cassandra Davis	3611	

All participants (applicant, applicant's representative, PTO personnel):

(1) Cassandra Davis. (3)\_\_\_\_\_.

(2) Jay . Moldovanyi. (4)\_\_\_\_\_.

Date of Interview: 02 August 2006.

Type: a) ☐ Telephonic b) ☐ Video Conference  
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1,3,4,7,8,14 and 36.

Identification of prior art discussed: none.


Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

CASSANDRA H. DAVIS  
PRIMARY EXAMINER  
  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed proposed claims (see attachment). The applicant has combined claims 1 and 5. However the applicant has deleted a portion of claim 1. So determination of allowability of claim 1 will be made upon filing a formal amendment. Applicant has deleted a large portion of claim 3. With respect to claim 4, the applicant has deleted the portion of the claim containing the 112 issues. The applicant has combined that limitation of claims 7 and 8 and claims 28 and 32, respectively. Proposed claims 7 and 28 appear to be in condition for allowance. The applicant has rewritten claims 14 as new claim 36. Final determination of allowability of claim 36 will be made upon filing a formal amendment and to determine if the scope of the claim is the same as claim 14..

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : James A. Bacnik  
For : HOLDER FOR AN ELECTRONIC  
PRICE LABEL  
Serial No. : 10/799,563  
Filing Date : March 11, 2004  
Examiner : Davis, Cassandra Hope  
Art Unit : 3611  
Last Office Action : May 4, 2006  
Confirmation No. : 7783  
Our Docket : FFRZ 2 00153-3 (II)

**PROPOSED AMENDMENT**

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sirs:

In response to the Office Action dated May 4, 2006, please amend the above-captioned patent application as follows:

**Amendments to the claims** begin on page 2 of this paper.

**Remarks** begin on page 12 of this paper.

IN THE CLAIMS:

Please cancel claims 5, 8, 14, 32 and 33 without prejudice.

Please amend claims 1, 3, 4, 6, 7, 9, 10, 15, 16 and 28 as follows.

Please add new claims 34-37 as follows.

1x5  
1. (Currently Amended) A holder for an electronic price label, said holder comprising:

a channel member defined by a base wall and first and second spaced-apart side walls that project outwardly from opposite ends of said base wall with respective first and second inner faces arranged for selectively accommodating an associated electronic price label, ~~said base wall including a front face having a strip of resilient material projecting outwardly therefrom;~~

a connector mounted to a back face of said channel member, said connector including a clip member adapted to receive and retain therein a projecting portion of an associated retail shelf, said clip member comprising:

a first leg and a second leg,

said first leg includes a first segment projecting towards said second leg and a second segment extending away from said second leg,

said second leg includes a first segment projecting away from said channel member base wall and a second segment, and,

said first leg and said second leg cooperating to define an upwardly open slot including a relatively narrow open end and a relatively wider closed end; and,

wherein said connector further comprises a first connecting arm and a second connecting arm, said first arm having a first end connected to said base wall and a second end, said second arm having a first end connected to said base wall and a second end.

2. (Cancel)

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3. (Currently Amended) The holder as set forth in claim 1, wherein said connector further comprises ~~a first connecting arm and a second connecting arm, said first arm having a first end connected to said base wall of said channel member and a second end connected to said back wall whereby said first arm is positioned between said back wall and said channel member, said second arm having a first end connected to said base wall of said channel member and a second end connected to said back wall whereby said second arm is positioned between said back wall and said channel member~~ a back wall.

4. (Currently Amended) A holder for an electronic price label, said holder comprising:

a channel member defined by a base wall and first and second spaced-apart side walls that project outwardly from opposite ends of said base wall with respective first and second inner faces arranged for selectively accommodating an associated electronic price label;


a connector mounted to a back face of said channel member, said connector

comprising a clip member adapted to receive and retain therein a projecting portion of an associated retail shelf; said connector further comprises a back wall, a first connecting arm and a second connecting arm, said first arm having a first end connected to said base wall of said channel member and a second end connected to said back wall whereby said first arm is positioned between said back wall and said channel member, said second arm having a first end connected to said base wall of said channel member and a second end connected to said back wall whereby said second arm is positioned between said back wall and said channel member; and,

wherein said first arm further comprises a first segment projecting rearwardly from said base wall and a second segment extending upwardly from said first segment to a top wall of said connector whereby said first segment and said second segment are substantially perpendicular to each other.

5. (Cancel)

6. (Currently Amended) The holder as set forth in claim 5 1, further comprising a first leg extending away from said first arm and a second leg extending away from said second arm.

 7. (Currently Amended) A holder for an electronic price label, said holder comprising:

a channel member defined by a base wall and first and second spaced-apart side walls that project outwardly from opposite ends of said base wall with respective first and second inner faces arranged for selectively accommodating an associated electronic price label;

a mounting portion connected to said channel member, said mounting portion comprising:

a clip member adapted to receive and retain therein a projecting portion of a mounting wall of an associated retail shelf wherein said clip member comprises a first member and a second member, and

a connecting member comprising;

a back wall,

a first connecting arm, and

a second connecting arm, said first arm having a first end connected to said channel member and a second end connected to said back wall, said second arm having a first end connected to said channel member and a second end connected to said back wall; and,



wherein said clip member is located on a first side of said back wall and said first and second connecting arms are located on a second side of said back wall.

8. (Cancel)

9. (Currently Amended) The holder as set forth in claim 8 7, wherein said first member is connected to said second member at a bend.

10. (Currently Amended) The holder as set forth in claim 8 7, wherein said first connecting arm comprises an L-shaped member comprising a first segment and a second segment extending therefrom.

11. (Withdrawn) The holder as set forth in claim 7, further comprising a transparent lens selectively positioned in covering relation with said base wall of said channel, said lens including a viewing wall, and first and second side walls projecting outwardly from said viewing wall, said first and second side walls of said lens each define a projection adapted for selective receipt in open slots adjacent said base wall.

12. (Withdrawn) The holder as set forth in claim 11, wherein said lens comprises a living hinge along said first side wall of said lens whereby said viewing wall

adapted for movement between an open position, wherein said viewing wall extends away from said base wall of said channel member, and a closed position, wherein said viewing wall is placed in covering spaced relation with said channel member.

13. (Withdrawn) The holder as set forth in claim 11, wherein said second side wall projection further comprises an upwardly projecting resilient finger defining a selectively closed slot for insertion of printed material.

14. (Cancel)

15. (Currently Amended) The holder as set forth in claim 44 36, wherein said channel member base wall includes a front face having a strip of resilient material projecting outwardly therefrom.

16. (Currently Amended) The holder as set forth in claim 44 36, wherein said ~~clip~~ connector further comprises a ~~first arm and a second arm~~ back wall, said first arm having a first end connected to said channel member base wall, a second end connected to said ~~clip~~ back wall, said second arm having a first end connected to said base wall and a second end connected to said ~~clip~~ back wall.

17 - 24. (Cancelled)

25. (Cancel)

26. (Previously Presented) The holder as set forth in claim 4, wherein said base wall includes a front face including a strip of resilient material projecting outwardly therefrom.

27. (Cancel)

28. (Currently Amended) A holder for an electronic price label, said holder comprising:

a channel member defined by a base wall and first and second spaced-apart side walls that project outwardly from opposite ends of said base wall with respective first and second inner faces arranged for selectively accommodating an associated electronic price label;

a clip member adapted to receive and retain therein a projecting portion of a mounting wall of an associated retail shelf wherein said clip member comprises:

a first leg for contacting a first side of the projecting portion of the associated retail shelf, said first leg includes a first segment projecting rearwardly and a second segment extending upwardly from said first segment, and

a second leg for contacting a second side of the same projecting portion of the associated retail shelf, said second leg includes a first segment projecting rearwardly and a second segment extending upwardly from said first segment, wherein said first and second legs cooperate to define an upwardly open slot including a relatively narrow open end and a relatively wider closed end; and,

a connecting member mounted for connecting said clip member to said channel member wherein said connecting member comprises a first arm connected at a first end to said channel member and connected at a second end to said clip member.

29. (Previously Presented) The holder as set forth in claim 28, further comprising a document holder defined between said clip member and said base wall.

30. (Previously Presented) The holder as set forth in claim 29, wherein said document holder comprises a resilient finger and a nib defining a selectively closed slot therebetween.

31. (Previously Presented) The holder as set forth in claim 28, wherein said base wall includes a front face including a strip of resilient material projecting outwardly therefrom.

32-33. (Cancel)

34. (New) The holder as set forth in claim 28 wherein said connecting member further comprises a second arm spaced from said first arm.

35. (New) The holder as set forth in claim 34 wherein said second arm comprises a first end connected to said channel member and a second end connected to said clip member.

*New claim  
14*

36. (New) A holder for an electronic price label, said holder comprising:

a channel member defined by a base wall and first and second spaced apart side walls that project outwardly from opposite ends of said base wall, said channel member selectively accommodating an associated electronic price label;

a connector mounted to said channel member, said connector comprising:

a clip defining a somewhat C-shaped body and comprising interconnected walls including wall segments that project toward each other and cooperate to define a relatively narrow open end and a relatively wider closed end for receiving and retaining a projecting portion of an associated retail shelf,

a first arm connected between said clip and said channel member, and

a second arm, spaced from said first arm, connected between said clip and said channel member.

37. (New) The holder as set forth in claim 36 wherein said first arm is somewhat L-shaped in cross section and includes a first segment and a second segment.

## REMARKS

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

Date

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### Certificate of Mailing

I certify that this Amendment Transmittal Letter and accompanying document(s) are being

- ☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. 1.8, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted to facsimile number \_\_\_\_\_ under 37 C.F.R. 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AMENDMENT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

<b>Express Mail Label No.:</b>	<b>Signature</b>
<b>Date</b> <b>July 31, 2006</b>	<b>Printed Name</b> <b>Kathleen A. Nimrichter</b>

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